

REMARKS

Initially, Applicants would like to thank the Examiner for indicating the allowability of the subject matter recited in claims 3-5 and 10-14, if rewritten into independent form to include the features of base and intervening claims.

Applicants would also like to thank the Examiner for acknowledging consideration of each of the documents cited on the PTO-1449 form which was submitted with the Information Disclosure Statement filed on July 1, 2004.

However, Applicants note that the outstanding Official Action does not acknowledge Applicants' claim for foreign priority under 35 U.S.C. §119, or receipt of a certified copy of the priority document upon which Applicants' claim for foreign priority is based. In this regard, Applicants filed a Claim of Priority to Japanese Application No. 2003-080874 upon filing the present application on March 23, 2004. Further, a certified copy of Japanese Application No. 2003-080874 was filed with the present application on March 23, 2004. Accordingly, with the next Official Action, Applicants respectfully request that the Examiner acknowledge Applicants' claim for foreign priority under 35 U.S.C. §119, as well as receipt of the certified copy of the priority document upon which Applicants' claim for foreign priority is based.

Additionally, Applicants note that the Official Action does not indicate a status for claims 15-17, though these claims were added in a Preliminary Amendment filed with the application on March 23, 2004. Accordingly, with the next Official Action, Applicants respectfully request clarification of the status of claims 15-17.

In the outstanding Official Action, the Title was objected-to as non-descriptive of the invention to which the claims are directed. Claims 1, 2, 6 and 7 were rejected under 35 U.S.C. §102(b) over Japanese Laid-Open Patent Publication No. 2001-076771. Claims 8 and 9 were rejected under 35 U.S.C. §103(a) over Japanese Laid-Open Patent Publication No. 2001-076771. Claims 3-5 and 10-14 were objected-to as being dependent upon a rejected base claim, but were otherwise indicated to be allowable if rewritten into independent form to include all of the limitations of the base claim and any intervening claims.

Upon entry of the present amendment, the claims will have been amended to clarify the features recited therein. The herein-contained amendments should not be considered an indication of Applicants' acquiescence as to the propriety of the outstanding objections or rejections. Rather, Applicants have amended the pending claims to expedite prosecution of the present application and obtain early allowance of the remaining claims.

Applicants traverse the objection to the Title. In this regard, by the present amendment, Applicants have replaced the Title with a new Title: "Battery Pack Apparatus With Heat Supply And Discharge". Applicants submit that the new Title is clearly indicative of the subject matter to which the claims are directed. Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection to the Title.

Applicants traverse the rejection of claim 1 under 35 U.S.C. §102(b) over Japanese Laid-Open Patent Publication No. 2001-076771. In this regard, claim 1 recites a combination of features which are not disclosed, suggested or rendered obvious by Japanese Laid-Open Patent Publication No. 2001-076771.

For example, Japanese Laid-Open Patent Publication No. 2001-076771 does not disclose or suggest features of at least:

*"a heat insulation cover comprising a heat insulation material that covers a circumferential surface of the battery pack substantially entirely, a supply passage and a discharge passage being provided between the heat insulation cover and the battery pack, the supply passage supplying a heat medium to the heat medium passages while the discharge passage discharges the heat medium from the heat medium passages; and a supply device that supplies the heat medium to the supply passage"* (emphasis added), as recited in the combination of amended claim 1.

In this regard, the "heat pipes 5" in Japanese Laid-Open Patent Publication No. 2001-076771 might be considered similar to the "heat medium passages" as recited in claim 1. However, Japanese Laid-Open Patent Publication No. 2001-076771 does not disclose the above-noted separate features of a supply passage and discharge passage provided between the heat insulation cover and the battery pack. Rather, in paragraph [0017] and FIG. 1, Japanese Laid-Open Patent Publication No. 2001-076771 discloses that the cover 8 can be provided with holes to supply cooling air to the grooves 3b, and FIG. 4 shows a cooling fan 12.

Accordingly, if the rejection of claim 1 over Japanese Laid-Open Patent Publication No. 2001-076771 is maintained, Applicants respectfully request clarification as to which features shown or described therein are considered to disclose the "supply passage" and "discharge passage" recited in claim 1.

Absent such a showing or explanation, Applicants submit that rejection of claim 1 under 35 U.S.C. §102 is improper.

Accordingly, Japanese Laid-Open Patent Publication No. 2001-076771 does not disclose "each and every" feature recited in claim 1, as would be required for claim 1 to be properly rejected under 35 U.S.C. §102 over Japanese Laid-Open Patent Publication No. 2001-076771. Therefore, amended claim 1 is not properly rejected over the teachings of Japanese Laid-Open Patent Publication No. 2001-076771.

At least for the reasons set forth above, Applicants submit that independent claim 1 is allowable over the document applied in the Official Action. Further, dependent claims 2-17 are allowable at least for depending, directly or indirectly, from an allowable independent claim 1. Therefore, Applicants respectfully request reconsideration and withdrawal of each of the outstanding rejections, as well as an indication of the allowability of each of the claims now pending, at least in view of the herein-contained amendments and remarks.

SUMMARY AND CONCLUSION

Any amendments made to the claims in this Amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

If there should be any questions, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,  
Shinya KIMOTO et al.

Joshua M. Povsner  
Reg. #42,086



Bruce H. Bernstein  
Reg. No. 29,027

June 19, 2006  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191